

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART, State Bar No. 83047
Supervising Deputy Attorney General

4 Attorneys for Complainant

5 PAMELA M. SOULIER
Senior Legal Analyst
6 California Department of Justice
1300 I Street, Suite 125
7 P.O. Box 944255
8 Sacramento, CA 94244-2550
Telephone: (916) 322-6122
9 Facsimile: (916) 324-5567

10
11 **BEFORE THE**
BOARD OF REGISTERED NURSING
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation and First
Amended Accusation Against:

Case No. 2006-113

14 **PETRA WIEGAND SHUTE, aka**
15 **PETRA SHUTE**
828 3rd Avenue West, Apt. 3
16 Williston, North Dakota 58801

DEFAULT DECISION
AND ORDER

[Gov. Code, §11520]

17 Registered Nurse License No. 596411

18 Respondent.

19
20 **FINDINGS OF FACT**

21 1. On or about January 23, 2006, Complainant Ruth Ann Terry, M.P.H.,
22 R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing,
23 Department of Consumer Affairs, filed Accusation No. 2006-113 against Petra Wiegand Shute,
24 also known as Petra Shute ("Respondent") before the Board of Registered Nursing. On or about
25 June 1, 2006, the Board filed First Amended Accusation No. 2006-113 against Respondent.

26 2. On or about March 19, 2002, the Board of Registered Nursing ("Board")
27 issued Registered Nurse License No. 596411 to Respondent. The registered nurse license will
28 expire on October 31, 2007, unless renewed.

1 3. On or about January 31, 2006, Mary Anne Snyder, an employee of the
2 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.
3 2006-113, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
4 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,
5 which was 1312 18th Street West, Apt. 4, Williston, North Dakota, 58801. A copy of the
6 Accusation, the related documents, and Declaration of Service are attached as **exhibit A**, and
7 are incorporated herein by reference.

8 4. On or about August 1, 2006, Mary Anne Snyder, an employee of the
9 Department of Justice, served by Certified and First Class Mail a copy of the First Amended
10 Accusation No. 2006-113, Statement to Respondent, Notice of Defense, Request for Discovery,
11 and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record
12 with the Board, which was and is 823 3rd Avenue West, Apt. 3, Williston, North Dakota, 58801.
13 A copy of the First Amended Accusation, the related documents, and Declaration of Service are
14 attached as **exhibit B**, and are incorporated herein by reference.

15 5. On or about July 31, 2007, Praveen K. Singh, an employee of the
16 Department of Justice, served by Certified and First Class Mail a copy of the First Amended
17 Accusation No. 2006-113, Statement to Respondent, Notice of Defense, Request for Discovery,
18 and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record
19 with the Board, which was and is 828 3rd Avenue West, Apt. 3, Williston, North Dakota, 58801.
20 A copy of the First Amended Accusation, the related documents, and Declaration of Service are
21 attached as **exhibit B**, and are incorporated herein by reference.

22 6. Service of the Accusation and First Amended Accusation was effective as
23 a matter of law under the provisions of Government Code section 11505, subdivision (c).

24 7. On or about February 6, 2006, the Accusation documents were returned by
25 the U.S. Postal Service marked "No Forwarding Address." A copy of the envelope returned by
26 the post office is attached hereto as **exhibit C**, and is incorporated herein by reference.

27 8. On or about August 7, 2006, the First Amended Accusation documents
28 were returned by the U.S. Postal Service marked "No Forwarding Address." A copy of the

1 envelope returned by the post office is attached hereto as **exhibit D**, and is incorporated herein by
2 reference.

3 9. Business and Professions Code section 118 states, in pertinent part:

4 (b) The suspension, expiration, or forfeiture by operation of law of a
5 license issued by a board in the department, or its suspension, forfeiture, or
6 cancellation by order of the board or by order of a court of law, or its surrender
7 without the written consent of the board, shall not, during any period in which it
8 may be renewed, restored, reissued, or reinstated, deprive the board of its
9 authority to institute or continue a disciplinary proceeding against the licensee
10 upon any ground provided by law or to enter an order suspending or revoking the
11 license or otherwise taking disciplinary action against the license on any such
12 ground.

13 10. Government Code section 11506 states, in pertinent part:

14 (c) The respondent shall be entitled to a hearing on the merits if the respondent
15 files a notice of defense, and the notice shall be deemed a specific denial of all parts of
16 the accusation not expressly admitted. Failure to file a notice of defense shall constitute a
17 waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless
18 grant a hearing.

19 11. Respondent failed to file a Notice of Defense within 15 days after service
20 upon her of the Accusation and First Amended Accusation, and therefore waived her right to a
21 hearing on the merits of Accusation No. 2006-113.

22 12. California Government Code section 11520 states, in pertinent part:

23 (a) If the respondent either fails to file a notice of defense or to appear at
24 the hearing, the agency may take action based upon the respondent's express
25 admissions or upon other evidence and affidavits may be used as evidence without
26 any notice to respondent.

27 13. Pursuant to its authority under Government Code section 11520, the Board
28 finds Respondent is in default. The Board will take action without further hearing and, based on
Respondent's express admissions by way of default and the evidence before it, contained in
exhibits A, B, C, and D finds that the allegations in Accusation No. 2006-113 and First
Amended Accusation No. 2006-113, are true.

The total costs for investigation and enforcement are \$846.25 as of
November 30, 2007.

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Petra Wiegand Shute,
3 also known as Petra Shute has subjected her Registered Nurse License No. 596411 to discipline.

4 2. A copy of the Accusation and First Amended Accusation and the related
5 documents and Declarations of Service are attached.

6 3. The agency has jurisdiction to adjudicate this case by default.

7 4. The Board of Registered Nursing is authorized to revoke Respondent's
8 registered nurse license based upon violations of Business and Professions Code sections 2761,
9 subdivision (a)(4) (out-of-state discipline), as alleged in Accusation No. 2006-113.

10 **ORDER**

11 IT IS SO ORDERED that Registered Nurse License No. 596411, heretofore
12 issued to Respondent Petra Wiegand Shute, also known as Petra Shute, is revoked.

13 Pursuant to Government Code section 11520, subdivision (c), Respondent may
14 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
15 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
16 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
17 statute.

18 This Decision shall become effective on March 23, 2008.

19 It is so ORDERED February 21, 2008

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21 *LaTranene W Tate*

22 FOR THE BOARD OF REGISTERED NURSING
23 DEPARTMENT OF CONSUMER AFFAIRS

24 **Attachments:**

- 25 Exhibit A: Accusation No. 2006-113, Related Documents, and Declaration of Service
26 Exhibit B: First Amended Accusation No. 2006-113, Related Documents and Declaration of
27 Service
28 Exhibit C: Copy of Envelope Returned by Post Office
Exhibit D: Copy of Envelope Returned by Post Office

1 BILL LOCKYER, Attorney General
of the State of California
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6 1300 I Street, Suite 125
P.O. Box 944255
7 Sacramento, CA 94244-2550
Telephone: (916) 323-6145
8 Facsimile: (916) 327-8643

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10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the First Amended Accusation
Against:

Case No. 2006-113

14 **PETRA WIEGAND SHUTE, aka**
15 **PETRA SHUTE**
828 3rd Avenue West, Apt. 3
16 Williston, North Dakota 58801

FIRST AMENDED ACCUSATION

17 Registered Nurse License No. 596411

18 Respondent.

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21 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

22 **PARTIES**

23 1. Complainant brings this First Amended Accusation solely in her official
24 capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer
25 Affairs. The First Amended supersedes the Accusation previously filed herein.

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1 **Registered Nurse License**

2 2. On or about March 19, 2002, the Board of Registered Nursing issued
3 Registered Nurse License Number 596411 to Petra Shute, also known as Petra Wiegand Shute
4 ("Respondent"). The registered nurse license will expire on October 31, 2007, unless renewed.

5 **STATUTORY PROVISIONS**

6 3. Section 2750 of the Business and Professions Code ("Code") provides, in
7 pertinent part, that the Board may discipline any licensee, including a licensee holding a
8 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
9 section 2750) of the Nursing Practice Act.

10 4. Code section 2764 provides, in pertinent part, that the expiration of a
11 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
12 against the licensee or to render a decision imposing discipline on the license. Under Code
13 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
14 years after the expiration.

15 5. Code section 2761 states, in pertinent part:

16 The board may take disciplinary action against a certified or licensed nurse
17 or deny an application for a certificate or license for any of the following:

18 (a) Unprofessional conduct, which includes, but is not limited to, the
19 following:

20 (4) Denial of licensure, revocation, suspension, restriction, or any other
21 disciplinary action against a health care professional license or certificate by
22 another state or territory of the United States, by any other government agency, or
23 by another California health care professional licensing board. A certified copy of
24 the decision or judgment shall be conclusive evidence of that action.

25 6. Code section 125.3 provides, in pertinent part, that the Board may request
26 the administrative law judge to direct a licensee found to have committed a violation or
27 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
28 and enforcement of the case.

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1 **CAUSE FOR DISCIPLINE**

2 **(Out-of-State Discipline)**

3 7. Respondent's registered nurse license is subject to disciplinary action
4 under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that
5 Respondent has been disciplined in other states as follows:

6 **North Dakota Disciplinary Action**

7 a. Effective July 15, 2004, pursuant to the Notice of Entry of Findings of
8 Fact, Conclusions of Law and Order, filed by the Board of Nursing of the State of North Dakota
9 (hereafter "Board"), attached hereto as **Exhibit "A"** and incorporated herein, Respondent's
10 nursing license was suspended for two (2) years for professional misconduct. The basis of said
11 discipline was that from on or about December 20, 2003, through approximately April 14, 2004,
12 Respondent removed Demerol, a controlled substance, from hospital supplies, and failed to
13 administer or properly waste the drugs, or otherwise account for the Demerol.

14 **Kansas Disciplinary Action**

15 b. Effective December 30, 2004, pursuant to the Summary Order, filed by the
16 Kansas State Board of Nursing, attached hereto as **Exhibit "B"** and incorporated herein,
17 Respondent's Application for Reinstatement of her Kansas nursing license was denied. The
18 basis of said denial is that in Respondent's application for reinstatement of her Kansas nursing
19 license, she denied ever having a license disciplined by another state when, in fact, Respondent's
20 North Dakota nursing license had been suspended, effective July 15, 2004, for two years pursuant
21 to Respondent's actions, as set forth in subparagraph a, above.

22 **Washington State Disciplinary Action**

23 c. Effective September 23, 2005, pursuant to the Findings of Fact,
24 Conclusions of Law and Final Order of Default, filed by the State of Washington, Department of
25 Health, Nursing Care Quality Assurance Commission, Docket No. 05-04-A-1035RN, attached
26 hereto as **Exhibit "C"** and incorporated herein, Respondent's Washington State Nursing License
27 Number RN00139752 was suspended with no right to seek modification of the Order and/or
28 reinstatement of licensure for a period of at least twenty-four (24) months from the date of entry


1 of this Order. The basis of said discipline is Respondent's failure to respond to the Statement of
2 Charges filed by the State of Washington, Department of Health, Nursing Care Quality
3 Assurance Commission within the time allowed, resulting in Respondent's default.

4 **PRAYER**

5 **WHEREFORE**, Complainant requests that a hearing be held on the matters
6 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 7 1. Revoking or suspending Registered Nurse License Number 596411, issued
8 to Petra Shute, also known as Petra Wiegand Shute;
- 9 2. Ordering Petra Shute, also known as Petra Wiegand Shute to pay the
10 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
11 case, pursuant to Code section 125.3; and,
- 12 3. Taking such other and further action as deemed necessary and proper.

13
14 DATED: 6/1/06

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18 RUTH ANN TERRY, M.P.H., R.N.
19 Executive Officer
20 Board of Registered Nursing
21 Department of Consumer Affairs
22 State of California
23 Complainant

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EXHIBIT A

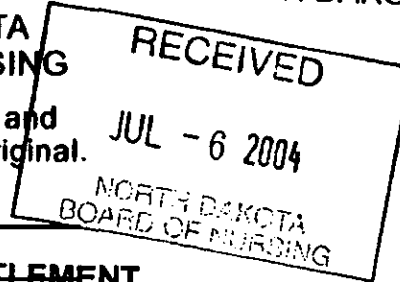
BEFORE THE BOARD OF NURSING OF THE STATE OF NORTH DAKOTA

In Re: The License to
Practice Nursing of:
Petra Shute, R.N.
DOB: 9/25/1959

NORTH DAKOTA
BOARD OF NURSING

Certified to be true and
correct copy of the original.

Date _____



STIPULATION FOR SETTLEMENT

WHEREAS, the North Dakota Board of Nursing, hereinafter referred to as the "Board," is duly authorized by law to regulate the profession of nursing pursuant to Chapter 43-12.1 of the North Dakota Century Code, and related statutes, rules, policies and procedures; and

WHEREAS, Petra Shute, hereinafter referred to as "Licensee," is a Registered Nurse possessing a license to practice as such whose profession and the practice thereof is governed by the Board; and

WHEREAS, the purpose of this document is to outline the rights and responsibilities of the Licensee, minimize time and expense, and voluntarily submit the Licensee to the jurisdiction of the Board in professional disciplinary proceedings by the Board against the Licensee.

NOW, THEREFORE, I, Petra Shute, hereby submit to the Board, under oath, the following Stipulation for Settlement:

PETRA SHUTE, BEING FIRST DULY SWORN, STATES AS FOLLOWS:

1.

My name is Petra Shute. I am a Registered Nurse governed by the laws of the State of North Dakota and by the laws, rules, policies and procedures of the Board. I was issued a temporary permit to practice nursing in North Dakota by the Board on November

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BOARD OF REGISTERED NURSING
DEC 7 2007

25, 2003. I was licensed by the Board as a Registered Nurse in the State of North Dakota by endorsement from the state of Missouri on January 9, 2004, and am presently so licensed (License #R30414).

2.

I recently practiced as a Registered Nurse at McKenzie County Memorial Hospital, Watford City, North Dakota.

3.

While employed as a Registered Nurse at McKenzie County Memorial Hospital, I engaged in the following conduct:

A. On December 20, 2003, there were 16 Demerol 100 mg injectables on hand at 7:00 am. I assisted in counting the narcotics on hand at 3:00 pm and documented on the Medication Count Record that there were eleven Demerol. There is no indication that any patients received any Demerol during this time period. I did not account for the five missing Demerol.

B. On April 9, 2004, I assisted in counting the narcotics on hand at 11:00 pm, at which time:

- 1) Demerol 100 mg indicated a count of ten. On April 11, 2004 at 3 pm, Demerol 100 mg indicated a count of five. Only one patient received an injection of Demerol 100 mg on April 10, 2004. The remaining Demerol 100 mg are unaccounted for.
- 2) Demerol 75 mg indicated a count of eight. On April 11, 2004 at 3:00 pm, Demerol 75 mg indicated a count of six. Only one patient received an injection of Demerol 75 mg on April 10, 2004. The remaining Demerol 75 mg is not accounted for.
- 3) The narcotic record for April 10, 2004 is missing and not accounted for.
- 4) I was working on April 9, 10 and 11, 2004.

C. On April 11, 2004:

- 1) At 9:30 am, I documented in the telephone log book that a patient had a surgical procedure and was still in pain.
- 2) At 9:00 am, I documented on the Medication Count Record the administration of Hydrocodone and 2 Demerol 100 mg injectables for this patient.

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REGISTERED NURSING
SACRAMENTO
#1:548-5290X1007

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- 3) There was no order from the physician for Demerol and the patient did not receive any Demerol on this date.
- 4) I failed to follow protocol for the wastage of narcotics in that I neglected to document such wastage for Demerol.
- 5) I reported to the DON that I thought the patient would be receiving Demerol so I drew one injection up but it fell on the floor and broke so I drew up a second dose and then wasted it without a witness to observe or document such action.
- 6) I reported to the board of nursing investigator that I did not draw up any Demerol but that 2 Demerol fell out of the box and onto the floor when I was looking for another medication.

D. On April 11, 2004, I documented two times on a MAR that I gave hydrocodone at 11:00 am to the same patient.

E. On April 14, 2004, I assisted in counting the narcotics on hand at 3:00 pm at which time:

- 1) There were 3 Demerol 100 mg injectables on hand at 7:00 am. One patient received Demerol 100 mg during this time period, changing the count to 2 remaining Demerol 100 mg. I documented on the Medication Count Record that there were zero Demerol 100 mg injectables. I did not account for the two missing Demerol 100 mg injectables.
- 2) There were 6 Demerol 75 mg injectables on hand at 7:00 am. There is no indication that any patient received Demerol 75 mg during this time period. I documented on the Medication Count Record that there were four Demerol 75 mg. I did not account for the two missing Demerol 75 mg injectables.

4.

I admit that during the times and places set out above, I engaged in the conduct described above and practiced as a Registered Nurse under those circumstances.

5.

I agree that the conduct described above, and to which I am admitting, is conduct that violates the Nurse Practices Act as found in Section 43-12.1-14, Subsections 3, 5 and 6 of the North Dakota Century Code, in that such acts constitute:

- A. Having engaged in any practice inconsistent with the standards of nursing

practice;

B. Having engaged in a pattern of practice or other behavior that demonstrates professional misconduct; and

C. Having diverted or attempted to divert supplies, equipment, drugs or controlled substances for personal use or unauthorized use.

6.

I further agree that the conduct described above, and to which I am admitting, is conduct that violates Section 54-02-07-01.1, Subsections 5, 6 and 7, of the North Dakota Administrative Code, in that such acts constitute:

A. Practice of nursing without sufficient knowledge, skills, or nursing judgment;

B. Performance of nursing interventions in a manner inconsistent with acceptable nursing standards;

C. Inaccurate or incomplete documentation or recording, or the falsification, alteration, or destruction of Board records or client, employee, or employer records;

7.

I hereby consent that the Board of Nursing of the State of North Dakota may enter its Order disciplining me as a Registered Nurse, pursuant to Section 43-12.1-14, NDCC, and all applicable laws, rules, policies and procedures.

8.

My consent that the Board enter its discipline and sanction against me as a Registered Nurse is conditioned upon the Board agreeing to the following imposition of discipline:

A. From the date of the Board's Findings of Fact, Conclusions of Law, and Order, and for two years thereafter, my license to practice as a Registered Nurse in the State of North Dakota shall be SUSPENDED.

B. I shall submit to the Board my current license to practice as a Registered Nurse within ten (10) days of the date of this Order.

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BOARD OF

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C. I agree to pay a penalty fee of One Thousand Five Hundred Dollars (\$1,500.00).

Insert your initials by the preferred method of payment listed below.

- ☐ a) I have submitted the total amount due with this signed Stipulation for Settlement.
- ☐ b) I have submitted one-half of the total amount due with this signed Stipulation for Settlement and shall pay the remaining balance within sixty (60) days from the date of the Board's Order.

D. I shall pay costs and disbursements assessed pursuant to NDCC Section 43-12.1-13 in an amount certified by the Executive Director of the Board within sixty (60) days of receipt of the amount due.

E. I understand that I am ineligible to work in any nursing role, including that of a nurse aide, nurse assistant, or medication assistant/aide during the period of my license suspension.

F. At the conclusion of my suspension, and upon my written request and application for reinstatement, if I should choose to do so, I shall personally appear before the Board. I maintain the burden to prove to the satisfaction of the Board that the conditions that led to the suspension of my license no longer exist or no longer have material bearing on my professional ability, or both. The Board may order the reinstatement of my license to probationary status for a specified period of time, with the license marked "encumbered" with identified specific requirements as determined by the Board; or under other terms and conditions as may be set out by the Board.

G. Upon seeking reinstatement of my license, I shall obtain a **chemical dependency** evaluation performed by a licensed addiction counselor within thirty (30) days of my personal appearance before the Board and have a copy of the evaluation sent directly to the Board prior to my personal appearance. Such evaluation shall include:

- A) Verification that the evaluator has reviewed a copy of this Board Order,
- B) Diagnosis and any recommended treatment plan,
- C) Licensee's ability to safely practice nursing,
- D) Recommendations for additional evaluation or treatment, and
- E) Any other information the evaluator believes would assist the Board in its ultimate review of this matter.

H. I understand and agree that if I fail to duly pay all fees, costs and disbursements as assessed by the Board in this disciplinary matter, my license to practice nursing shall continue to be suspended. In such event, I hereby waive further notice or

opportunity for hearing, and I hereby waive my right to contest such extended suspension, except I retain the right to contest whether or not I have duly made such payments. I agree that in such event, the time period of my suspension originally set out by the Board shall be extended and added to the period of my suspension, equivalent to the time period taken to duly pay such fees.

I. I understand that this disciplinary action will be reported to health care agencies in North Dakota and to the boards of nursing of other states via the Nursys Data Bank of the National Council of State Boards of Nursing, as required by NDCC Section 43-12.1-13 and to data banks as required by federal law, including the Healthcare Integrity and Protection Data Bank (HIPDB), and the National Practitioners Data Bank (NPDB).

J. The effective date of this order shall be the date of the Board's Order.

K. I understand and agree that this is a non-appealable Order.

L. All provisions and conditions of this Order shall carry over to any license or privilege to practice nursing in North Dakota that I receive, including pursuant to any multi-state nursing licensure compact with the Board.

M. I understand and agree that the Board may pursue the civil collection against me for the nonpayment of any fees, costs and disbursements I may owe to the Board under this Order, regardless of and in addition to any other provision in this Order.

CONSENT TO ORDER AND WAIVER

1.

I hereby consent that, if the North Dakota Board of Nursing accepts the foregoing conditions and enters its Order accordingly, I then consent, ratify and approve the imposition of such Order against me by the North Dakota Board of Nursing. I hereby waive the issuance of a formal administrative complaint, my right to a hearing and all procedural rights regarding such hearing, including presentation of evidence at such hearing and presence of counsel, appeal of the Board's Order, all other rights under NDCC Chapters 28-32 and 43-12.1, and all other applicable laws, rules and procedures, except for notice of its Order which I may have under such circumstances pursuant to Chapters

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43-12.1 and 28-32 of the North Dakota Century Code.

2.

I specifically waive my right to counsel, and I voluntarily and freely enter into this Stipulation for Settlement of my free will, without the advice of counsel, and without any promises having been made to me.

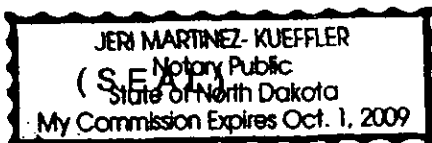
3.

In the event that the Board does not accept the facts and sanctions as I have set out above, or modifies these conditions to my detriment, I hereby revoke and withdraw this document along with all statements made by me herein, and I, under those circumstances, request a hearing before the Board on this matter.

Respectfully submitted this 2nd day of June, 2004.

Petra Shute
Petra Shute

Subscribed and sworn to before me this 2nd day of June, 2004.



Jeri Martinez-Kueffler
Notary Public
State of North Dakota
My Commission Expires: Oct 1, 2009

Approved as to form:

Brian L. Bergeson
Brian L. Bergeson
Special Assistant Attorney General
ID #05780
P.O. Box 2196
Bismarck, ND 58502
Phone: (701) 223-1986
Fax: (701) 223-4049
ATTORNEY FOR NORTH DAKOTA
BOARD OF NURSING

BEFORE THE BOARD OF NURSING OF THE STATE OF NORTH DAKOTA

In Re: The License to
Practice Nursing of:
Petra Shute, R.N.
DOB: 9/25/1959

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER**

The above-entitled matter came on for consideration before the Board of Nursing of the State of North Dakota (the "Board") on the 15th day of July, 2004; the Licensee having waived her right to issuance of a formal administrative complaint and her right to a hearing and having consented to the entry of the Board's Order pursuant to a "STIPULATION FOR SETTLEMENT" executed by the Licensee on the 2nd day of July, 2004; the Board's deliberations having been held pursuant to information duly brought to the attention of the Board relative to the professional status of the Licensee as a Registered Nurse, that the Licensee, Petra Shute, not being present at such deliberations before the Board, nor being represented by counsel at such deliberations, and having waived her right to be present and present testimony; that the Board was represented by its legal counsel, Special Assistant Attorney General Brian L. Bergeson; that at such deliberations the Board received the sworn written testimony presented to the Board by the Licensee, through her "STIPULATION FOR SETTLEMENT," and based upon all the files and records herein, and the Board being fully informed in the premises, does now make and file herein the following:

1. The Board adopts as its Findings of Fact and Conclusions of Law, the facts and conclusions set out in the "STIPULATION FOR SETTLEMENT", which

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is incorporated herein by reference.

2. The Board accepts and agrees to the terms of the "STIPULATION FOR SETTLEMENT."
3. The Board adopts as its ORDER the sanctions agreed upon by the Licensee as set out in the "STIPULATION FOR SETTLEMENT."

Dated this 15th day of July, 2004.

THE NORTH DAKOTA BOARD OF NURSING

By: Helen Melland
Helen Melland, Ph.D., R.N.
President

By: Constance B. Kalanek
Constance B. Kalanek, Ph.D., R.N.
Executive Director

Approved as to form:

Brian L. Bergeson
Brian L. Bergeson
Special Assistant Attorney General
ID #05780
P.O. Box 2196
Bismarck, ND 58502
Phone: (701) 223-1986
Fax: (701) 223-4049
ATTORNEY FOR NORTH DAKOTA
BOARD OF NURSING

BEFORE THE BOARD OF NURSING OF THE STATE OF NORTH DAKOTA


In Re: The License to
Practice Nursing of:
Petra Shute, R.N.
DOB: 9/25/1959

NOTICE OF ENTRY OF
FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

TO: PETRA SHUTE

YOU WILL PLEASE TAKE NOTICE that the North Dakota Board of Nursing has entered and filed herein its Findings of Fact, Conclusions of Law, and Order in regard to the above-entitled matter, and that a true and correct copy of such Findings of Fact, Conclusions of Law, and Order are set out above and in the "STIPULATION FOR SETTLEMENT" which you have previously signed and the terms to which you have previously agreed, a true and correct copy of which is attached.

Dated this 15th day of July, 2004.



Brian L. Bergeson
Special Assistant Attorney General
ID #05780
P.O. Box 2196
Bismarck, ND 58502
Phone: (701) 223-1986
Fax: (701) 223-4049
ATTORNEY FOR NORTH DAKOTA
BOARD OF NURSING

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REGISTERED NURSING
SACRAMENTO

BOARD OF REGISTERED NURSING

DEC 14 2005

CERTIFICATE OF SERVICE

I certify that on the 20th day of July, 2004, a true and correct copy of the attached **Stipulation for Settlement (including Consent to Order and Waiver), Findings of Fact, Conclusions of Law and Order, and Notice of Entry of Findings of Fact, Conclusions of Law and Order** was mailed, regular mail, to:

Petra Shute
1312 18th Street West, Apt. 4
Williston ND 58801



Julie Schwan
Administrative Services Coordinator
North Dakota Board of Nursing

EXHIBIT B

KANSAS

KANSAS STATE BOARD OF NURSING
MARY BLUBAUGH MSN, RN, EXECUTIVE ADMINISTRATOR

KATHLEEN SEBELIUS, GOVERNOR

CERTIFICATION

I hereby certify that the enclosed is true and correct copies of the documents concerning Petra Shute license no. 14-079927-091 including a Summary Order dated December 30, 2004 consisting of fourteen (14) pages for case #04-604-0. The above referenced documents were placed in the United States mail, postage prepaid at Topeka, Kansas this 28th day of March, 2005 addressed as follows:

Lorna Hayes
California Board of Registered Nursing
400 R Street, 4030
Sacramento, CA 95814



Melissa Graham
Administrative Assistant

mg
Enclosures



Filed
DEC 30 2004
Board of Nursing

KANSAS STATE BOARD OF NURSING
MARY BLUBAUGH MSN, RN, EXECUTIVE ADMINISTRATOR

KATHLEEN SEBELIUS, GOVERNOR

Petra Shute
3215 Winchester
Kansas City, MO 64129

12-30-2004

Case 04-604-0

SUMMARY ORDER

Dear Ms. Shute:

The Disciplinary Committee of the Kansas State Board of Nursing has reviewed your application materials and on behalf of the Board members I am denying your reinstatement application to practice nursing as a registered nurse in Kansas. This denial is based upon the following:

FINDINGS OF FACT

1. Applicant has submitted an application for a reinstatement of her RN license received by the Board 12/9/2004.
2. Applicant answered the question "Has disciplinary action ever been taken or is such action pending on any license in Kansas or in any other state, territory, county, or governmental agency?" NO on her 12/9/2004 application.
3. A search of nursing board actions by this agency revealed that the respondent has a current discipline on her license in North Dakota. A certified copy of the 7/6/2004 "Order Stipulation For Settlement" is attached and incorporated within. The discipline is a suspension of her nursing license from July 6, 2004 until July 6, 2006 and a \$1500 penalty fee for the following violations of the North Dakota Nurse Practice Act:
 - Professional misconduct
 - Diverted or attempted to divert supplies, equipment, drugs or controlled substances for personal use or unauthorized use.
 - Practice of nursing without sufficient knowledge, skills, or nursing judgment
 - Performance of nursing interventions in a manner inconsistent with acceptable nursing standards.
 - Inaccurate or incomplete documentation or recording, or falsification, alteration, or destruction of Board records or client, employee, or employer records.

CONCLUSIONS OF LAW

4. K. S. A. 65-1120(a) provides that it is a ground for denial of a license if the applicant is found to be guilty of:

K.S.A. 65-1120(a)(6), unprofessional conduct by drug diversion K.A.R. 60-3-110(n).

K.S.A. 65-1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;

K.S.A. 65-1120(a)(8) to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the licensing authority of another state, agency of the United States government, territory of the United States or country shall constitute prima facie evidence of such a fact for purposes of this paragraph (8).

K.S.A. 65-1120 (a) (3) to have committed an act of professional incompetency as defined in subsection (e); *Professional incompetency defined.* As used in this section, "professional incompetency" means: (3) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

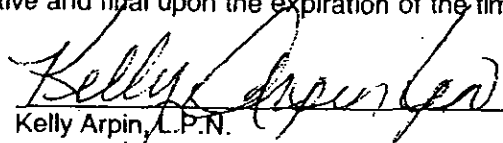
K.A.R. 60-3-110(d) by inaccurately recording, falsifying, or altering any record of a patient, or agency or of the board.

K.S.A. 65-1120(a)(1) to be guilty of fraud or deceit in practicing nursing.

5. K.S.A. 77-511(a)(2)(a) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency when denying an application.
6. Your conduct described herein violates the Kansas Nurse Practice Act.
7. If the information provided is incorrect, or if you wish to dispute this matter, please let us know immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.
8. Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to:

Kansas State Board of Nursing
Legal Division
900 SW Jackson, Suite 1051
Topeka, Kansas 66612-1230
(785) 296-4325

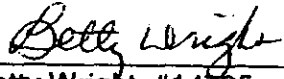
THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER. If a hearing is not requested in the time and manner stated above, this Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.


Kelly Arpin, L.P.N.
Board Member

CERTIFICATE OF SERVICE

I certify that on the 30th day of December, 2004, the foregoing copy of the Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Petra Shute
3215 Winchester
Kansas City, MO 64129



Betty Wright, #14785
Assistant Attorney General
900 SW Jackson, Suite 1051
Topeka, Kansas 66612-1230
(785) 296-7047

BEFORE THE BOARD OF NURSING OF THE STATE OF NORTH DAKOTA
BOARD OF NURSING

In Re: The License to
Practice Nursing of:
Petra Shute, R.N.
DOB: 9/25/1959

Certified to be true and
correct copy of the original.

Date

9/14/04

Name

Sally Bohm

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STIPULATION FOR SETTLEMENT

WHEREAS, the North Dakota Board of Nursing, hereinafter referred to as the "Board," is duly authorized by law to regulate the profession of nursing pursuant to Chapter 43-12.1 of the North Dakota Century Code, and related statutes, rules, policies and procedures; and

WHEREAS, Petra Shute, hereinafter referred to as "Licensee," is a Registered Nurse possessing a license to practice as such whose profession and the practice thereof is governed by the Board; and

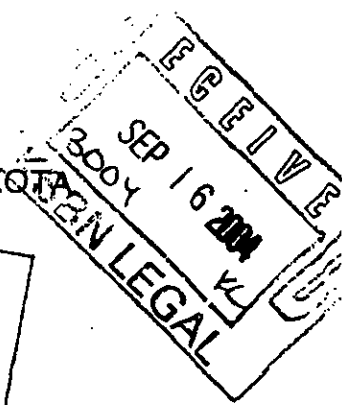
WHEREAS, the purpose of this document is to outline the rights and responsibilities of the Licensee, minimize time and expense, and voluntarily submit the Licensee to the jurisdiction of the Board in professional disciplinary proceedings by the Board against the Licensee.

NOW, THEREFORE, I, Petra Shute, hereby submit to the Board, under oath, the following Stipulation for Settlement:

PETRA SHUTE, BEING FIRST DULY SWORN, STATES AS FOLLOWS:

1.

My name is Petra Shute. I am a Registered Nurse governed by the laws of the State of North Dakota and by the laws, rules, policies and procedures of the Board. I was issued a temporary permit to practice nursing in North Dakota by the Board on November



25, 2003. I was licensed by the Board as a Registered Nurse in the State of North Dakota by endorsement from the state of Missouri on January 9, 2004, and am presently so licensed (License #R30414).

2.

I recently practiced as a Registered Nurse at McKenzie County Memorial Hospital, Watford City, North Dakota.

3.

While employed as a Registered Nurse at McKenzie County Memorial Hospital, I engaged in the following conduct:

A. On December 20, 2003, there were 16 Demerol 100 mg injectables on hand at 7:00 am. I assisted in counting the narcotics on hand at 3:00 pm and documented on the Medication Count Record that there were eleven Demerol. There is no indication that any patients received any Demerol during this time period. I did not account for the five missing Demerol.

B. On April 9, 2004, I assisted in counting the narcotics on hand at 11:00 pm, at which time:

- 1) Demerol 100 mg indicated a count of ten. On April 11, 2004 at 3 pm, Demerol 100 mg indicated a count of five. Only one patient received an injection of Demerol 100 mg on April 10, 2004. The remaining Demerol 100 mg are unaccounted for.
- 2) Demerol 75 mg indicated a count of eight. On April 11, 2004 at 3:00 pm, Demerol 75 mg indicated a count of six. Only one patient received an injection of Demerol 75 mg on April 10, 2004. The remaining Demerol 75 mg is not accounted for.
- 3) The narcotic record for April 10, 2004 is missing and not accounted for.
- 4) I was working on April 9, 10 and 11, 2004.

C. On April 11, 2004:

- 1) At 9:30 am, I documented in the telephone log book that a patient had a surgical procedure and was still in pain.
- 2) At 9:00 am, I documented on the Medication Count Record the administration of Hydrocodone and 2 Demerol 100 mg injectables for this patient.

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- 3) There was no order from the physician for Demerol and the patient did not receive any Demerol on this date.
- 4) I failed to follow protocol for the wastage of narcotics in that I neglected to document such wastage for Demerol.
- 5) I reported to the DON that I thought the patient would be receiving Demerol so I drew one injection up but it fell on the floor and broke so I drew up a second dose and then wasted it without a witness to observe or document such action.
- 6) I reported to the board of nursing investigator that I did not draw up any Demerol but that 2 Demerol fell out of the box and onto the floor when I was looking for another medication.

D. On April 11, 2004, I documented two times on a MAR that I gave hydrocodone at 11:00 am to the same patient.

E. On April 14, 2004, I assisted in counting the narcotics on hand at 3:00 pm at which time:

- 1) There were 3 Demerol 100 mg injectables on hand at 7:00 am. One patient received Demerol 100 mg during this time period, changing the count to 2 remaining Demerol 100 mg. I documented on the Medication Count Record that there were zero Demerol 100 mg injectables. I did not account for the two missing Demerol 100 mg injectables.
- 2) There were 6 Demerol 75 mg injectables on hand at 7:00 am. There is no indication that any patient received Demerol 75 mg during this time period. I documented on the Medication Count Record that there were four Demerol 75 mg. I did not account for the two missing Demerol 75 mg injectables.

4.

I admit that during the times and places set out above, I engaged in the conduct described above and practiced as a Registered Nurse under those circumstances.

5.

I agree that the conduct described above, and to which I am admitting, is conduct that violates the Nurse Practices Act as found in Section 43-12.1-14, Subsections 3, 5 and 6 of the North Dakota Century Code, in that such acts constitute:

- A. Having engaged in any practice inconsistent with the standards of nursing

practice;

B. Having engaged in a pattern of practice or other behavior that demonstrates professional misconduct; and

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I further agree that the conduct described above, and to which I am admitting, is conduct that violates Section 54-02-07-01.1, Subsections 5, 6 and 7, of the North Dakota Administrative Code, in that such acts constitute:

A. Practice of nursing without sufficient knowledge, skills, or nursing judgment;

B. Performance of nursing interventions in a manner inconsistent with acceptable nursing standards;

C. Inaccurate or incomplete documentation or recording, or the falsification, alteration, or destruction of Board records or client, employee, or employer records;

7.

I hereby consent that the Board of Nursing of the State of North Dakota may enter its Order disciplining me as a Registered Nurse, pursuant to Section 43-12.1-14, NDCC, and all applicable laws, rules, policies and procedures.

8.

My consent that the Board enter its discipline and sanction against me as a Registered Nurse is conditioned upon the Board agreeing to the following imposition of discipline:

A. From the date of the Board's Findings of Fact, Conclusions of Law, and Order, and for two years thereafter, my license to practice as a Registered Nurse in the State of North Dakota shall be **SUSPENDED**.

B. I shall submit to the Board my current license to practice as a Registered Nurse within ten (10) days of the date of this Order.

C. I agree to pay a penalty fee of One Thousand Five Hundred Dollars (\$1,500.00).

Insert your initials by the preferred method of payment listed below.

☐ a) I have submitted the total amount due with this signed Stipulation for Settlement.

☐ b) I have submitted one-half of the total amount due with this signed Stipulation for Settlement and shall pay the remaining balance within sixty (60) days from the date of the Board's Order.

D. I shall pay costs and disbursements assessed pursuant to NDCC Section 43-12.1-13 in an amount certified by the Executive Director of the Board within sixty (60) days of receipt of the amount due.

E. I understand that I am ineligible to work in any nursing role, including that of a nurse aide, nurse assistant, or medication assistant/aide during the period of my license suspension.

F. At the conclusion of my suspension, and upon my written request and application for reinstatement, if I should choose to do so, I shall personally appear before the Board. I maintain the burden to prove to the satisfaction of the Board that the conditions that led to the suspension of my license no longer exist or no longer have material bearing on my professional ability, or both. The Board may order the reinstatement of my license to probationary status for a specified period of time, with the license marked "encumbered" with identified specific requirements as determined by the Board; or under other terms and conditions as may be set out by the Board.

G. Upon seeking reinstatement of my license, I shall obtain a **chemical dependency** evaluation performed by a licensed addiction counselor within thirty (30) days of my personal appearance before the Board and have a copy of the evaluation sent directly to the Board prior to my personal appearance. Such evaluation shall include:

- A) Verification that the evaluator has reviewed a copy of this Board Order,
- B) Diagnosis and any recommended treatment plan,
- C) Licensee's ability to safely practice nursing,
- D) Recommendations for additional evaluation or treatment, and
- E) Any other information the evaluator believes would assist the Board in its ultimate review of this matter.

H. I understand and agree that if I fail to duly pay all fees, costs and disbursements as assessed by the Board in this disciplinary matter, my license to practice nursing shall continue to be suspended. In such event, I hereby waive further notice or

opportunity for hearing, and I hereby waive my right to contest such extended suspension, except I retain the right to contest whether or not I have duly made such payments. I agree that in such event, the time period of my suspension originally set out by the Board shall be extended and added to the period of my suspension, equivalent to the time period taken to duly pay such fees.

I. I understand that this disciplinary action will be reported to health care agencies in North Dakota and to the boards of nursing of other states via the Nursys Data Bank of the National Council of State Boards of Nursing, as required by NDCC Section 43-12.1-13 and to data banks as required by federal law, including the Healthcare Integrity and Protection Data Bank (HIPDB), and the National Practitioners Data Bank (NPDB).

J. The effective date of this order shall be the date of the Board's Order.

K. I understand and agree that this is a non-appealable Order.

L. All provisions and conditions of this Order shall carry over to any license or privilege to practice nursing in North Dakota that I receive, including pursuant to any multi-state nursing licensure compact with the Board.

M. I understand and agree that the Board may pursue the civil collection against me for the nonpayment of any fees, costs and disbursements I may owe to the Board under this Order, regardless of and in addition to any other provision in this Order.

CONSENT TO ORDER AND WAIVER

1.

I hereby consent that, if the North Dakota Board of Nursing accepts the foregoing conditions and enters its Order accordingly, I then consent, ratify and approve the imposition of such Order against me by the North Dakota Board of Nursing. I hereby waive the issuance of a formal administrative complaint, my right to a hearing and all procedural rights regarding such hearing, including presentation of evidence at such hearing and presence of counsel, appeal of the Board's Order, all other rights under NDCC Chapters 28-32 and 43-12.1, and all other applicable laws, rules and procedures, except for notice of its Order which I may have under such circumstances pursuant to Chapters

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43-12.1 and 28-32 of the North Dakota Century Code.

2.

I specifically waive my right to counsel, and I voluntarily and freely enter into this Stipulation for Settlement of my free will, without the advice of counsel, and without any promises having been made to me.

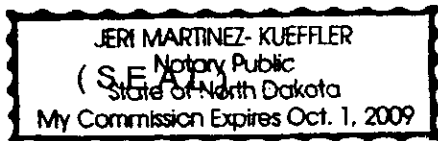
3.

In the event that the Board does not accept the facts and sanctions as I have set out above, or modifies these conditions to my detriment, I hereby revoke and withdraw this document along with all statements made by me herein, and I, under those circumstances, request a hearing before the Board on this matter.

Respectfully submitted this 2nd day of June, 2004.

Petra Shute
Petra Shute

Subscribed and sworn to before me this 2nd day of June, 2004.



Jeri Martinez-Kueffler
Notary Public
State of North Dakota
My Commission Expires: Oct 1, 2009

Approved as to form:

Brian L. Bergeson
Brian L. Bergeson
Special Assistant Attorney General
ID #05780
P.O. Box 2196
Bismarck, ND 58502
Phone: (701) 223-1986
Fax: (701) 223-4049
ATTORNEY FOR NORTH DAKOTA
BOARD OF NURSING

CALIFORNIA
BOARD OF REGISTERED NURSING
DEC 7 2007

BEFORE THE BOARD OF NURSING OF THE STATE OF NORTH DAKOTA

In Re: The License to
Practice Nursing of:
Petra Shute, R.N.
DOB: 9/25/1959

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER**

The above-entitled matter came on for consideration before the Board of Nursing of the State of North Dakota (the "Board") on the 15th day of July, 2004; the Licensee having waived her right to issuance of a formal administrative complaint and her right to a hearing and having consented to the entry of the Board's Order pursuant to a "STIPULATION FOR SETTLEMENT" executed by the Licensee on the 2nd day of July, 2004; the Board's deliberations having been held pursuant to information duly brought to the attention of the Board relative to the professional status of the Licensee as a Registered Nurse, that the Licensee, Petra Shute, not being present at such deliberations before the Board, nor being represented by counsel at such deliberations, and having waived her right to be present and present testimony; that the Board was represented by its legal counsel, Special Assistant Attorney General Brian L. Bergeson; that at such deliberations the Board received the sworn written testimony presented to the Board by the Licensee, through her "STIPULATION FOR SETTLEMENT," and based upon all the files and records herein, and the Board being fully informed in the premises, does now make and file herein the following:

1. The Board adopts as its Findings of Fact and Conclusions of Law, the facts and conclusions set out in the "STIPULATION FOR SETTLEMENT", which

is incorporated herein by reference.

2. The Board accepts and agrees to the terms of the "STIPULATION FOR SETTLEMENT."
3. The Board adopts as its ORDER the sanctions agreed upon by the Licensee as set out in the "STIPULATION FOR SETTLEMENT."

Dated this 15th day of July, 2004.

THE NORTH DAKOTA BOARD OF NURSING

By: Helen Melland
Helen Melland, Ph.D., R.N.
President

By: Constance B. Kalanek
Constance B. Kalanek, Ph.D., R.N.
Executive Director

Approved as to form:

Brian L. Bergeson
Brian L. Bergeson
Special Assistant Attorney General
ID #05780
P.O. Box 2196
Bismarck, ND 58502
Phone: (701) 223-1986
Fax: (701) 223-4049
ATTORNEY FOR NORTH DAKOTA
BOARD OF NURSING

BEFORE THE BOARD OF NURSING OF THE STATE OF NORTH DAKOTA


In Re: The License to
Practice Nursing of:
Petra Shute, R.N.
DOB: 9/25/1959

NOTICE OF ENTRY OF
FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

TO: PETRA SHUTE

YOU WILL PLEASE TAKE NOTICE that the North Dakota Board of Nursing has entered and filed herein its Findings of Fact, Conclusions of Law, and Order in regard to the above-entitled matter, and that a true and correct copy of such Findings of Fact, Conclusions of Law, and Order are set out above and in the "STIPULATION FOR SETTLEMENT" which you have previously signed and the terms to which you have previously agreed, a true and correct copy of which is attached.

Dated this 15th day of July, 2004.



Brian L. Bergeson
Special Assistant Attorney General
ID #05780
P.O. Box 2196
Bismarck, ND 58502
Phone: (701) 223-1986
Fax: (701) 223-4049
ATTORNEY FOR NORTH DAKOTA
BOARD OF NURSING

BOARD OF REGISTERED NURSING

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BOARD OF REGISTERED NURSING


APR - 4 2005

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CERTIFICATE OF SERVICE

I certify that on the 20th day of July, 2004, a true and correct copy of the attached **Stipulation for Settlement** (including **Consent to Order and Waiver**), **Findings of Fact, Conclusions of Law and Order**, and **Notice of Entry of Findings of Fact, Conclusions of Law and Order** was mailed, regular mail, to:

Petra Shute
1312 18th Street West, Apt. 4
Williston ND 58801



Julie Schwan
Administrative / Services Coordinator
North Dakota Board of Nursing

EXHIBIT C

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION**

FILED
JUL 13 2005
Adjudicative Clerk Office

In the Matter of the License to Practice)	
as a Registered Nurse of:)	Docket No. 05-04-A-1035RN
))	
PETRA SHUTE A/K/A)	
PETRA WIEGAND, RN)	STATEMENT OF CHARGES
Credential No. RN00139752,)	
))	
Respondent.)	

Terry West, Health Services Consultant of the Washington State Nursing Care Quality Assurance Commission (Commission), on designation by the Commission, makes the allegations below, which are supported by evidence contained in program case file No. 2004-08-0055RN.

Section 1: ALLEGED FACTS

1.1 Petra Shute, RN, Respondent, was issued a license to practice as a registered nurse by the state of Washington in January 2001. Respondent's license will expire on September 25, 2005, unless renewed.

1.2 On or about August 11, 2004, Respondent, while employed as an agency nurse at Valley Medical Center (facility) in Renton, Washington, diverted 425mg of Demerol (a schedule II controlled substance) from facility supply for her own non-therapeutic use. Respondent subsequently admitted this diversion to a Board of Pharmacy investigator.

1.3 On or about July 15, 2004, the North Dakota Board of Nursing suspended Respondent's license to practice nursing in that jurisdiction.

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION
BOARD OF REGISTERED NURSING
DEC 1 2004**

of Law and Order pursuant to Stipulation for Settlement Before the Board of Nursing of the State of North Dakota, dated July 15, 2004.) This suspension was based on findings that Respondent had failed to adequately document the use and wastage of narcotics on numerous occasions while working as a nurse in that jurisdiction in December 2003 and April 2004.

Section 2: ALLEGED VIOLATIONS

2.1 The violations alleged in this section constitute grounds for disciplinary action pursuant to RCW 18.130.180 and the imposition of sanctions under 18.130.160.

2.2 The facts alleged in paragraph 1.2 constitute unprofessional conduct in violation of RCW 18.130.180(1), (6), (7), (23)(b) and WAC 246-840-710(4)(a).

2.3 The facts alleged in paragraph 1.3 constitute unprofessional conduct in violation of RCW 18.130.180(5).

2.4 The statutes and rules cited in paragraphs 2.2 through 2.3, above, provide in pertinent part:

RCW 18.130.180 Unprofessional conduct. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

...

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in

which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

...

(5) Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

...

(23) Current misuse of:

(b) Controlled substances; or

...

WAC 246-840-710. Violations of standards of nursing conduct or practice. The following conduct may subject a nurse to disciplinary action under the Uniform Disciplinary Act, chapter 18.130 RCW:

(4) (a) Performing or attempting to perform nursing techniques and/or procedures for which the nurse lacks the appropriate knowledge, experience, and education and/or failing to obtain instruction, supervision and/or consultation for client safety;

....

//

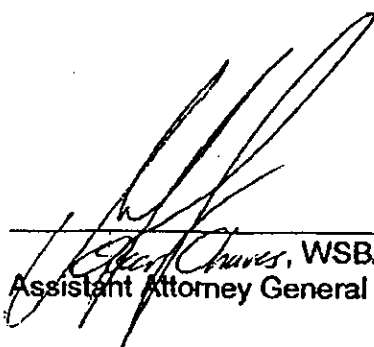
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Section 3: NOTICE TO RESPONDENT

The charges in this document affect the public health, safety and welfare. Terry West, Health Services Consultant for the Nursing Commission directs that a notice be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against these charges. If Respondent fails to defend against these charges, Respondent shall be subject to discipline pursuant to RCW 18.130.180 and the imposition of sanctions under 18.130.160.

DATED this 12th day of July, 2005.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE
COMMISSION


Robert Charles, WSBA # 34981
Assistant Attorney General Prosecutor


Terry West, Health Services Consultant

INTERNAL TRACKING NUMBERS:

Program No. 2004-08-0055RN



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Petra Shute, RN
Docket No.: 05-04-A-1035RN
Document: Final Order

Regarding your request for information about the above-named practitioner, certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center
P.O. Box 47865
Olympia, WA 98504-7865
Phone: (360) 236-4700
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Deputy Secretary, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

I Certify that this is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office.

E day of March, 2006

D. R. Meekins
Signature, Authorized Representative

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION**

In the Matter of the License to Practice as a Registered Nurse of:)	
)	Docket No. 05-04-A-1035RN
)	
PETRA SHUTE, RN)	FINDINGS OF FACT,
Credential No. RN00139752)	CONCLUSIONS OF LAW AND
)	FINAL ORDER OF DEFAULT
<u>Respondent.</u>)	(Failure to Respond)

This matter comes before the Health Law Judge, Presiding Officer for the Nursing Quality Assurance Commission (Commission), for a final order of default. The Commission, appearing by and through its attorney, Trent Kelly, Department of Health Staff Attorney; Petra Shute, Respondent, *having failed to answer or otherwise respond to the Statement of Charges*; the Health Law Judge, on designation by the Commission, having reviewed the record herein and being advised in the premises, now issues the following:

Section 1: FINDINGS OF FACT

1.1 Respondent was issued a license to practice as a registered nurse by the state of Washington in January 2001. Respondent's license will expire on September 25, 2005, unless renewed.

1.2 On July 12, 2005, the Commission issued a Statement of Charges alleging unprofessional conduct by Respondent. A Notice of Opportunity for Settlement and Hearing, Answer to Statement of Charges and Request for Settlement and Hearing, and

Proposed Stipulated Findings of Fact, Conclusions of Law, and Agreed Order were also issued at that time. On July 12, 2005, these documents were served at Respondent's last known address.

1.3 To date, the Adjudicative Service Unit has not received an answer to the Statement of Charges. A Notice of Failure to Respond was issued on August 11, 2005.

1.4 There is no information in the file to suggest that Respondent is now or was in active military service, or a dependent of a person in active military service, at the time the Statement of Charges was served.

1.5 The Department has filed the Declaration of Terry West, Health Services Consultant, with attached exhibits.

1.6 On or about August 11, 2004, Respondent, while employed as an agency nurse at Valley Medical Center (facility) in Renton, Washington, diverted 425mg of Demerol (a schedule II controlled substance) from facility supply for her own non-therapeutic use. Respondent subsequently admitted this diversion to a Board of Pharmacy investigator.

1.7 On or about July 15, 2004, the North Dakota Board of Nursing suspended Respondent's license to practice nursing in that jurisdiction (Findings of Fact, Conclusions of Law and Order pursuant to Stipulation for Settlement Before the Board of Nursing of the State of North Dakota, dated July 15, 2004.) This suspension was based on findings that Respondent had failed to adequately document the use and wastage of narcotics on numerous occasions while working as a nurse in that jurisdiction in December 2003 and April 2004.

Section 2: CONCLUSIONS OF LAW

2.1 Respondent was issued a license to practice as a registered nurse by the state of Washington, and is subject to the provisions of chapters 18.79 (formerly chapter 18.88) and 18.130 RCW and chapter 246-840 WAC.

2.2 Respondent did not file a response to the Statement of Charges within the time allowed by WAC 246-11-270(1)(a)(i) or WAC 246-11-270(3). Pursuant to RCW 18.130.090(1) and RCW 34.05.440, Respondent is in default and the Commission may issue a dispositive order based on the evidence presented to it.

2.3 Based upon Finding of Fact 1.6 through 1.7, Respondent has engaged in unprofessional conduct in violation of RCW 18.130.180(1), (5), (6), (7), (23)(b) and WAC 246-840-710(4)(a).

2.4 The Commission determines that sufficient grounds exist to take disciplinary action against Respondent's license to practice as a registered nurse in the state of Washington, pursuant to RCW 18.130.160 and 18.130.180.

Section 3: ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Commission it is hereby ORDERED as follows:

3.1 The license to practice as a registered nurse in the state of Washington held by Respondent shall be and is hereby SUSPENDED with no right to seek modification of this Order and / or reinstatement of licensure for a period of at least twenty-four (24) months from the date of entry of this Order.

3.2 Respondent shall present both portions of her license to the Department of Health, Nursing Commission within ten (10) days of receipt of this Order.

3.3 Respondent may petition in writing for full reinstatement of her Washington license upon full reinstatement of her licenses in the state of North Dakota and Kansas.

3.4 Prior to petitioning for modification and/or reinstatement of her license, Respondent must provide satisfactory evidence of being clean and sober for at least twenty-four (24) consecutive months immediately preceding any such petition. Evidence of being clean and sober shall include but is not limited to *observed* biological fluid testing, completion of chemical dependency treatment, participation in professional peer support groups and NA/AA, and a recent (within 90 days) chemical dependency evaluation by a commission – approved evaluator. The evaluation shall include:

- A. Respondent's condition or diagnosis;
- B. Conclusions and prognosis;
- C. Recommendations regarding the need for ongoing care and treatment;
- D. Professional opinion regarding Respondent's ability to practice nursing with reasonable skill and safety.

3.5 Respondent shall assume all costs of complying with this Order.

¶

¶

Section 4: NOTICE TO PARTIES

This order is subject to the reporting requirements of RCW 18.130.110, Section 1128E of the Social Security Act, and any other applicable interstate / national reporting requirements. If adverse action is taken, it must be reported to the Healthcare Integrity Protection Data Bank.

Either Party may file a **petition for reconsideration**. RCW 34.05.461(3); 34.05.470. The petition must be filed within ten (10) days of service of this Order with:

Adjudicative Service Unit
PO Box 47879
Olympia, WA 98504-7879

and a copy must be sent to:

The Nursing Care Quality Assurance Commission
PO Box 47864
Olympia, WA 98504-7864

The petition must state the specific grounds upon which reconsideration is requested and the relief requested. The petition for reconsideration is considered denied twenty (20) days after the petition is filed if the Adjudicative Service Unit has not responded to the petition or served written notice of the date by which action will be taken on the petition.

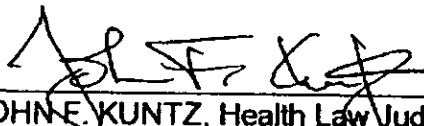
A petition for judicial review must be filed and served within thirty (30) days after service of this order. RCW 34.05.542. The procedures are identified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. A petition for reconsideration is not required before seeking judicial review. If a petition for reconsideration is filed, however, the thirty (30) day period will begin to run upon the resolution of that petition.

RCW 34.05.470(3).

This Order remains in effect even if a petition for reconsideration or petition for review is filed. "Filing" means actual receipt of the document by the Adjudicative Service Unit. RCW 34.05.010(6). This Order was "served" upon you on the day it was deposited in the United States mail. RCW 34.05.010(19).

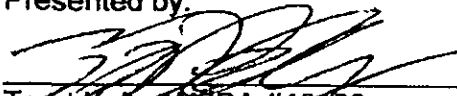
DATED THIS 23rd DAY OF September, 2005.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
ADJUDICATIVE SERVICE UNIT



JOHN F. KUNTZ, Health Law Judge
Presiding Officer

Presented by:



Trent Kelly, WSBA #18123
Department of Health Staff Attorney

9/14/05
Date

INTERNAL TRACKING NUMBERS:

Program No. 2004-08-0055RN

FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND FINAL ORDER ON DEFAULT (Failure to Respond)
Docket No. 05-04-A-1035RN

PAGE 6 of 6